

**REMARKS**

In the Office Action dated March 31, 2005, the Examiner rejected claims 1, 4, 5, 8, 10, 12, and 16 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,314,727 to Prahbu et al. (hereinafter referred to as Prahbu et al.); rejected claims 2, 3, 11, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Prahbu et al; rejected claims 6, 7, 9, 13, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Prahbu et al. in view of US Patent No. 6,424,902 to Kuras (hereinafter referred to as Kuras); and indicated that claims 14 and 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants wish to thank the Examiner for the indication of allowable subject matter in claims 14 and 15. Claims 1-18 remain pending in this application. Applicants also wish to thank the Examiner for speaking with Applicant's representatives during the personal interview on June 14, 2005. This response is consistent with the issues discussed and agreements reached during the interview. No new matter has been added by this Reply.

Applicants respectfully traverse the 35 U.S.C. § 102(b) rejection of claims 1, 4, 5, 8, 10, 12, and 16 for at least the reason that Prahbu et al. does not disclose every claim element. For example, independent claims 1 and 16, from which claims 4, 5, and 8 ultimately depend, recite a combination of elements including, among other things, a control system operable to limit desired transmission load applied to a driven member of a transmission based on the current output of the power source to thereby prevent the

power source from operating outside of a desired operating range. In addition, independent claim 10, from which claim 12 depends, recites a combination of steps including, among other things, limiting the desired load applied to a driven member of the transmission based on the estimate of the current power output of the power source to prevent the power source from operating outside of a desired operating range.

Prahbu et al. fails to disclose at least these claim elements.

As discussed and agreed during the interview, Prahbu et al. does not disclose all of the elements of claims 1, 4, 5, 8, 10, 12, and 16. Accordingly, the Section 102(b) rejection of claims 1, 4, 5, 8, 10, 12, and 16 is improper and should be withdrawn.

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 2, 3, 11, and 17 over Prahbu et al. No *prima facie* case of obviousness has been established with respect to claims 2, 3, 11, and 17 for at least the reason that Prahbu et al. neither teaches nor suggests every claim element. As explained above, independent claims 1 and 16, from which claims 2, 3, and 17 depend, recite a combination of elements including, among other things, a control system operable to limit desired transmission load applied to a driven member of a transmission based on the current output of the power source to thereby prevent the power source from operating outside of a desired operating range. As also explained above, independent claim 10, from which claim 11 depends, recites a combination of steps including, among other things, limiting the desired load applied to a driven member of the transmission based on the estimate of the current power output of the power source to prevent the power source from

operating outside of a desired operating range. Prahbu et al. neither teaches nor suggests at least these claim elements.

Because Prahbu et al. does not disclose or suggest all of the elements of claims 2, 3, 11, and 17, the Section 103(a) rejection of claims 2, 3, 11, and 17 is improper and should be withdrawn.

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of claims 6, 7, 9, 13, and 18 over Prahbu et al. in view of Kuras. No *prima facie* case of obviousness has been established with respect to claims 6, 7, 9, 13, and 18 for at least the reason that no combination of Prahbu et al. and Kuras teaches or suggests every claim element. Independent claims 1 and 16, from which claims 6, 7, 9, and 18 ultimately depend, recite a combination of elements including, among other things, a control system operable to limit desired transmission load applied to a driven member of a transmission based on the current output of the power source to thereby prevent the power source from operating outside of a desired operating range. Independent claim 10, from which claim 13 depends, recites a combination of steps including, among other things, limiting the desired load applied to a driven member of the transmission based on the estimate of the current power output of the power source to prevent the power source from operating outside of a desired operating range. Neither Prahbu et al. nor Kuras, alone or in combination, discloses at least these claim elements.

Because no combination of Prahbu et al. or Kuras discloses or suggests all of the elements of claims 6, 7, 9, 13, and 18, the Section 103(a) rejection of claims 6, 7, 9, 13, and 18 is improper and should be withdrawn.


In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: June 30, 2005

By:   
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